

SENATE No. 103

The Commonwealth of Massachusetts

PRESENTED BY:

Susan C. Tucker

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act Relative to Renewal Communities and Smart Growth Zoning.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Susan C. Tucker	Second Essex and Middlesex
Barry R. Finegold	17th Essex
William Lantigua	16th Essex
David M. Torrissi	14th Essex

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO RENEWAL COMMUNITIES AND SMART GROWTH ZONING.

Whereas, The deferred operation for this act would tend to defeat its purpose, which is forthwith to remove a barrier to redeveloping renewal communities, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Notwithstanding any general or special law to the contrary, in a city designated by
2 the United States Department of Housing and Urban Development as a renewal community pursuant to
3 the Community Renewal Tax Relief Act of 2000, Public Law 106-554, an eligible location pursuant to
4 chapter 40R of the General Laws may include areas with 1 or more underlying zoning districts where the
5 city has previously incorporated smart growth principles, whether by the superimposing of an overlay
6 district or otherwise in such renewal communities.

7 SECTION 2. A city designated by the United States Department of Housing and Urban
8 Development as a renewal community which has a zoning ordinance or by-law that includes an overlay
9 district enacted after January 1, 2002, for the purpose of incorporating smart growth principles may
10 calculate units of new construction based on units in the underlying zoning district without regard to the
11 overlay district in order to avoid any punitive effect upon the financial incentive to which the renewal
12 community may be entitled under section 9 of chapter 40R of the General Laws.

13 SECTION 3. An application pursuant to chapter 40R of the General Laws to the department of
14 housing and community development by a city designated as a renewal community shall provide
15 verifying documentation of such designation.”